



AGENDA
February 11, 2014
Regular Meeting

Town Council Chambers - 120 Civic Plaza Drive
6:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

A. January 14, 2014 Regular Meeting Minutes

6. CITIZENS FORUM - Citizens wishing to speak shall limit their comments to 3 minutes or less at the Mayor's discretion. No action may be taken.

7. MATTERS FROM STAFF

A. Resolution 14-10 Mid-Year Budget Adjustments

Consideration and possible approval of Resolution 14-10; Mid-year budget adjustment request for various departments.

B. Resolution 14-13 Waiver of Immediate Family Member

Consideration and possible approval of resolution 14-13; Waiving the provisions of NMSA 1978, Section 13-1-190, regarding the hiring of an immediate family member of a Town employee. The Town proposes to contract Chris Padilla, related to Renee Lucero, dba Northern Fire Suppression, for the purpose of annual maintenance and testing of all of the Town owned fire extinguishers.

C. Request for Waiver for Liquor License Application

Consideration and possible conditional approval to grant a waiver to Gayle Glanz, owner of Bearclaw Bakery and Café, for a beer and wine

license application due to the proposed establishment being located within 300 feet from two churches and one school. Conditional approval will be subject to the approved application and public hearing process required by New Mexico Alcohol and Gaming Division.

- D. **Amendment No. 2 to Contract TT-14-28, Griffin and Associates**
Consideration and possible approval of Amendment No. 2 to Contract TT-14-28 with Griffin and Associates increasing the contract by \$98,600 inclusive of gross receipts tax for additional spring and early summer media buys.
- E. **Application for Using the Local Economic Development Act**
Discussion and possible direction from staff to prepare an economic development program application process in compliance with the New Mexico Local Economic Development Act (5-10-1 to 5-10-13 NMSA 1978).

8. PUBLIC HEARINGS

- A. **Continuance of Ordinance 14-04 Regarding Governance and Personnel Code**
Consideration and possible approval of Ordinance 14-04 amending Ordinance 13-09 regarding certain aspects of the Governance and Personnel Code of the Town of Taos. ***Continued from the January 28, 2014 Regular Meeting.***

9. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER

- A. **Village of Questa Request to Withdraw from Dispatch JPA**
Consideration and possible approval to accept Village of Questa's request to withdraw from the JPA for dispatch services in order to pursue an agreement with another entity.
- B. **Taos County's Proposal for E911 Service**
Discussion and possible direction to staff regarding Taos County's proposal for consolidated E911 service.
- C. **Resolution 14-14 Supporting Public Access to the Red Hills Road known as CR-009**
Consideration and possible approval of Resolution 14-14 to support the need to protect and continue public access to the Red Hills Road known as County Road 009 in Mora County for all citizens.
- D. **Town Legislative Priorities Amendment**
Discussion and possible action to amend the Town's legislative priorities to support House Bill 222 and Senate Bill 164 amending the State Water Leasing Statute that is a condition precedent in the Water Settlement Act of 2010. These bills have been introduced in the New Mexico State Legislature by Representative Roberto Gonzales and Senator Carlos Cisneros at Taos Pueblo's request.

E. Extending Scope and Mission of the Community Hospital Committee

Discussion and possible direction to staff to work with Taos County to prepare and bring back for Council action a resolution extending the scope and mission of the Community Hospital Study Committee.

10. ADJOURNMENT

- *To request details on an agenda item please contact the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005.*
- *If you are an individual with a disability who is in need of aid or service to attend and/or participate in a meeting of the Town of Taos Council, please contact the office of the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005 at least 24 hours in advance.*
- *For copies of this agenda please pick-up at Town Hall. You may also view the agenda and the agenda packet at <http://public.taosgov.com/>.*



February 11, 2014

Title:

January 14, 2014 Regular Meeting Minutes

Summary:

Background:

Attachments:

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 [Minutes](#)



MINUTES
January 14, 2014
Regular Meeting

Town Council Chambers - 120 Civic Plaza Drive
6:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA

The Regular Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 6:32 p.m.

2. ROLL CALL

Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.

Those present were:

Mayor, Darren M. Cordova
Mayor Pro Tem, Andrew T. Gonzales
Councilmember, Rudy C. Abeyta
Councilmember, Michael A. Silva
Councilmember, Frederick A. Peralta
Youth Councilmember, Michael Landgraf

Also present were:

Town Manager, Oscar Rodriguez
Assistant Town Manager, Abigail Adame
Town Attorney, C. Brian James
Town Clerk, Renee Lucero

3. PLEDGE OF ALLEGIANCE

Councilmember Silva led the audience in the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Councilmember Silva made a motion to approve. Councilmember Gonzales

seconded the motion. The motion was Passed. Those voting AYE were:
Councilmembers: Abeyta, Gonzales, Peralta, Silva.

5. APPROVAL OF MINUTES

A. November 26, 2013 Regular Meeting Minutes

Item Result: Approved

Councilmember Gonzales made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta. Those who ABSTAINED were: Councilmembers: Silva.

Item Result: Approved

Councilmember Silva abstained from the vote because he was not present at the meeting.

B. December 3, 2013 Special Meeting Minutes

Item Result: Approved

Councilmember Peralta made a motion to approve. Councilmember Silva seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

C. December 10, 2013 Regular Meeting Minutes

Item Result: Approved

Councilmember Silva made a motion to approve. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

D. December 12, 2013 Special Meeting Minutes

Item Result: Approved

Councilmember Gonzales made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

6. AWARDS AND RECOGNITIONS

A. Presentation of retirement plaque to Captain Jerry Hogrefe

Presentation of retirement plaque to Captain Jerry Hogrefe.

Mayor Cordova stated it has been a great pleasure to work with Captain Hogrefe as his leadership is commendable and he achieved many accomplishments for the police department.

Captain Hogrefe thanked the Mayor and Council for giving him the opportunity to serve the Town.

B. Recognition of the Taos High School Football Team

1 Mayor Cordova presented Certificates of Achievement to the Taos High
2 School Football Team.

3 Mayor Cordova stated this is an example of how the parents have guided these
4 youth athletes into the future. He further stated the Taos High School Football
5 Team surpassed all expectations of them and congratulated the team on their
6 stellar year as District Champions.

7
8 C. Recognition of New Human Resources Director

9 Mayor Cordova stated the Town of Taos is proud to announce the hiring of the
10 new Human Resources Director, Morris Madrid. He further stated Mr. Madrid
11 comes with extensive experience and knowledge in city government and human
12 resources and with his expertise, he will be a valuable asset to the Town of Taos.

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14 **7. CITIZENS FORUM**

15 The following individuals spoke during Citizens Forum:

- 16
17
 - Jeff Northrup
 - Paul Figueroa

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20

21
22 **8. CONSENT AGENDA**

23 **A. Approval of Contract with L.N. Curtis & Sons**

24 Consideration and possible approval of Contract TT-14-151 in the
25 amount of \$104,186 inclusive of gross receipts tax with L.N. Curtis &
26 Sons for purchase of 42 full sets of National Fire Protection Association
27 compliant firefighting personal protective equipment (helmets, hoods,
28 jackets, pants, and boots).

29 **B. New Mexico State Library Grant in Aid**

30 Consideration and possible acceptance of grant from New Mexico State
31 Library in the amount of \$6,853 which is the annual State Grant in Aid
32 grant that libraries receive.

33 **C. Resolution 14-03 Intergovernmental Transfer of Personal Property**

34 Consideration and possible approval of Resolution 14-03 approving the
35 intergovernmental transfer of various items to the University of New
36 Mexico - Taos Branch.

37 **D. Resolution 14-04 Disposition of Surplus Equipment and Materials**

38 Consideration and possible approval of Resolution 14-04 approving the
39 disposal of surplus equipment and materials owned by the Town of Taos.

40
41 **E. Resolution 14-05 Budget Adjustment Request**

42 Consideration and possible approval of Budget Adjustment Request
43 (Resolution 14-05); to the Facilities Improvements Fund - Transfer funds
44 from the Don Fernando/Bataan Hall Roof project to the Airport Terminal
Roof Replacement project \$9,600.

1 F. **Appointment of Precinct Officials for March 4, 2014 Municipal**
2 **Election**

3 Consideration and possible approval of appointment of Precinct Officials
4 for the March 4, 2014 Municipal Elections:

5
6 **Presiding Judge: Jim Fambro**

7
8 **Precinct 15**

9 **Judge: Merlinda James**

10 **Clerk: Charlene Cain**

11 **Clerk: Cindy Jeantette**

12 **Precincts 14, 16, 18**

13 **Judge: Catherine Ralston**

14 **Clerk: Frances Martinez**

15 **Clerk: Ernestine Quintana**

16
17 **Precincts 12, 17, 19, 35**

18 **Judge: Bernadette Maestas**

19 **Clerk: Phyllis Nichols**

20 **Clerk: Brenda Romero**

21 **Absent Voter Precinct**

22 **Judge: Carol Anglada**

23 **Clerk: Elma Torres**

24
25 **Alternates**

26 **Judge/Clerk: Sandra Lamendola**

27 **Judge/Clerk: Bobbie Gonzales**

28 G. **Resolution 14-06 Election Recount/Recheck Costs**

29 Consideration and possible approval of Resolution 14-06 adopting
30 election recount/recheck costs determined by the State Canvassing
31 Board of New Mexico.

32 Item Result:

Approved

34 **Councilmember Silva made a motion to approve. Councilmember Gonzales**
35 **seconded the motion. The motion was Passed. Those voting AYE were:**
36 **Councilmembers: Abeyta, Gonzales, Peralta, Silva.**

37 **9. MATTERS FROM STAFF**

38
39 A. **Approval of the promotion of Officer Ronald Montez**

40 Approval of the promotion of Officer Ronald Montez to Sergeant. This
41 approval is necessary since his son Officer Jacob Montez is also
42 employed by the Taos Police Department. Ronald Montez will not be in
43 a position to supervise Officer Jacob Montez.

44 Item Result:

Approved

1 **Councilmember Silva made a motion to approve. Councilmember Abeyta**
2 **seconded the motion. The motion was Passed. Those voting AYE were:**
3 **Councilmembers: Abeyta, Gonzales, Peralta, Silva.**

4 **B. Resolution 14-07 Low Income Housing Tax Credit Application**

5 Consideration and possible approval of Resolution 14-07: Supporting
6 The Housing Trust's Low Income Housing Tax Credit application for a
7 60 unit affordable artist housing project.

8 Item Result: Approved

9
10 Mr. Rodriguez stated among the many things the Town has done to address the
11 tight housing market in Taos, the Town has also requested proposals for
12 affordable housing for artists. He further stated the Town is now in the process of
13 finalizing the low income housing tax credit application.

14 Sharon Welsch, with The Housing Trust, stated an application has been prepared
15 and part of a good application is having a significant local government
16 contribution. She further stated the resolution indicates that rather than donating
17 property, the Town will make a substantial donation to the project with cash and
18 the reduction of acquisition costs of the property by waiving building permit fees,
19 providing water rights to the project, reducing the cost of extending the utility lines
20 and meter charges, providing the use of Town facilities, and providing furnishings
21 for the La Posta Affordable Housing community buildings for a total of
22 approximately \$1.26 million.

23 Councilmember Gonzales stated he is concerned about the Town committing
24 to \$1.26 million. Mr. Rodriguez emphasized that this action does not approve any
25 kind of plan. He also reminded the Mayor and Council of the gross receipts tax
26 revenue that will be generated as a result of this project.

27 **Councilmember Silva made a motion to approve. Councilmember Peralta**
28 **seconded the motion. The motion was Passed. Those voting AYE were:**
29 **Councilmembers: Abeyta, Gonzales, Peralta, Silva.**

30 **C. Contract TT-14-164 with High Altitude Athletics**

31 Consideration and possible approval of Amendment No.1 to Contract TT-
32 12-283 with High Altitude Athletics extending the term to August 1, 2022.

33 Item Result: Approved

34 ***This item was heard after Approval of Minutes.***

35
36 Debbie Friday Jagers, President of High Altitude Athletics, explained that the
37 program has grown so much that they are in need of expansion. She explained
38 donors have come forward to assist with capital improvements to expand and
39 serve more children. However, she indicated the donors are not willing to invest
40 in a short-term occupancy and therefore, she requests a ten year lease with an
41 automatic renewal for another ten years.

42
43 The Mayor and Council thanked Ms. Jagers and High Altitude Athletics for their
44 devotion to the youth of Taos.

Councilmember Gonzales made a motion to approve. Councilmember

1 **Peralta seconded the motion. The motion was Passed. Those voting AYE**
2 **were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.**

3 **D. Resolution 14-08 Issuance of Water and Sewer System Refunding**
4 **Revenue Bonds**

5 Consideration and possible approval of Resolution 14-08 authorizing and
6 approving the issuance and sale of Town of Taos Joint Water and Sewer
7 System Refunding Revenue Bonds.

8 Item Result: Approved

9
10 Mr. Rodriguez stated management has been working with George K. Baum &
11 Company to implement a refunding scenario of our current USDA Bonds with a
12 shortened maturity and cost savings of 8.994% (Department of Finance and
13 Administration requires at least a 3% savings) due to the current interest rate
14 being lower than when these bonds were issued. He further stated if the
15 resolution is adopted, the Town will proceed with the adoption of an ordinance
16 authorizing and approving the issuance and sale of the Town of Taos Joint Water
17 and Sewer System Refunding Revenue Bonds. Mr. Rodriguez also stated the
18 fees associated with the issuance are approximately \$65,000.

19 Luis Ramos, Analyst with George K. Baum & Company gave a presentation
20 detailing the current outstanding loans.

21 A lengthy discussion ensued and Councilmember Peralta requested that staff
22 evaluate the issue more and provide the Council with additional comparisons to
23 ensure the Town is getting the best possible deal. Councilmember Gonzales
24 agreed.

25 **Councilmember Peralta made a motion to table. Councilmember Silva**
26 **seconded the motion. The motion was Passed. Those voting AYE were:**
27 **Councilmembers: Gonzales, Peralta, Silva. Those voting NAY were:**
28 **Councilmembers: Abeyta.**

29 **E. 2014 Special Legislative Session Priorities**

30 Consideration and possible approval of staff recommendations for project
31 funding requests.

32 Item Result: Approved

33 Mr. Rodriguez recommended the following projects for legislative priorities:

- 34 • Camino del Medio Road Rehabilitation - \$580,000
- 35 • Building Roof Replacement - \$825,000
- 36 • Water/Irrigation Line Replacement at Kit Carson Park – \$385,000

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42 **Councilmember Silva made a motion to approve. Councilmember Peralta**
43 **seconded the motion. The motion was Passed. Those voting AYE were:**
44 **Councilmembers: Gonzales, Peralta, Silva, Abeyta.**

Consideration and possible direction to staff to prepare an application to the New Mexico MainStreet Program.

Item Result: Approved

Lengthy discussion ensued regarding the structure of the Arts and Cultural District (ACD) and the Mainstreet Program and concerns that the ACD is not a corporation in good standing with the Secretary of State's Office, Business Services Division. Concerns were also raised as to ACD's reports that have not been made available to the public.

Upon discussing the Mainstreet Program and the Arts and Cultural District, the Mayor and Council directed the Town Manager to appoint a task force to provide preliminary recommendations. Councilmember Peralta requested that the original stakeholders be included as members of the task force and that the task force be required to provide the Council with a solid plan of action.

Councilmember Peralta made a motion to approve with conditions.

Councilmember Gonzales seconded the motion. The motion was Passed.

Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

10. PUBLIC HEARINGS

A. Ordinance 14-03 Allowing Mixed Uses in R-14 Zone

Consideration and possible approval of Ordinance 14-03 allowing mixed uses in the R-14 zone.

Item Result: Approved

Martha Perkins, Planning & Zoning Director, presented Ordinance 14-03 to the Mayor and Council. She also provided a script for quasis judicial hearing procedures, which was read for the record by Mayor Pro Tem Gonzales.

Public Opinion

Mayor Cordova opened the public hearing. **No one came forward.**

After closing the public hearing, Mayor Cordova asked for questions from the Council.

Councilmember Peralta asked if the Planning & Zoning Commission recommends that this be approved. Ms. Perkins stated yes.

Councilmember Peralta made a motion to approve. Councilmember Silva seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Silva, Peralta.

B. Ordinance 14-01 Amending the Zoning Map

Consideration and possible approval of Ordinance 14-01 to change the zoning on approximately .65 acres located at 402 Paseo Del Pueblo Norte from C-2 to R-14 to make the entire property, approximately 1.5 acres, R-14 within the Historic Overlay Zone in the Town of Taos.

Item Result: Approved

Martha Perkins, Planning & Zoning Director, presented Ordinance 14-01 to the Mayor and Council.

Public Opinion

Mayor Cordova opened the public hearing.

Mark Yaravitz, John Tarleton and Judy Cantu were sworn in.

Mr. Yaravitz gave a presentation and explained this is for a zone change to R-14 to accommodate the residential purpose for this property.

Ms. Cantu asked Council to consider this change as the area is the Historic Overlay Zone and modern houses should not be allowed. Mr. Yaravitz clarified that the applicant has received approval from the Town's Historic Preservation Commission.

After closing the public hearing, Mayor Cordova asked for questions from the Council.

Councilmember Peralta stated the two commercial properties are very old residences that were converted to businesses. By changing the zoning, the architecture will be preserved.

Councilmember Silva made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

C. Ordinance 14-02 Amending the Land Use Development Code

Consideration and possible approval of Ordinance 14-02 allowing the streamlining of applications and hearing procedures with a Code change for planning cases requiring Planning and Zoning Commission approval.

Item Result: Approved

Martha Perkins, Planning & Zoning Director, presented Ordinance 14-02 to the Mayor and Council. She stated the purpose of the amendment to the ordinance is to streamline the application process to enable applicants to receive approvals in a more timely manner.

Public Opinion

Mayor Cordova opened the public hearing. **No one came forward.**

Mark Yaravitz stated he believes the proposed amendment to the procedures is for the better.

Pavel Lukes, Planning & Zoning Commissioner, commended the hard work of Ms. Perkins and Mr. James as he has been requesting this change for two years.

After closing the public hearing, Mayor Cordova asked for questions from the Council.

Councilmember Gonzales asked if this amendment will assist the Town with rezoning newly annexed properties. Mr. James stated this amendment will assist with rezoning those properties that are required to be rezoned. He further stated if this ordinance is passed, applicants will be provided with a much better application process.

Councilmember Gonzales made a motion to approve. Councilmember Silva seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

11. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER

A. Town Code Regarding Temporary Certificates of Occupancy

Consideration and possible direction to the Town Manager to amend the Town Code to clarify the purpose, name, and use of Temporary Certificates of Occupancy.

Councilmember Peralta stated the Town needs to establish a Temporary Certificate of Completion to determine how close a project is to completion to assist builders with their financing needs. Councilmember Peralta requested that staff evaluate the ordinance and provide a recommendation to the Council.

B. Resolution 14-09 Opposing Tri-State Rate Increase

Consideration and possible approval of Resolution 14-09 opposing a rate increase proposed by Tri-State.

Item Result:

Approved

Councilmember Silva made a motion to approve. Councilmember Abeyta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Abeyta, Gonzales, Peralta, Silva.

12. ADJOURNMENT

A motion was made by Councilmember Gonzales and seconded by Councilmember Silva to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 11:10 p.m.

APPROVED:

Darren M. Cordova, Mayor

ATTEST:

1
2
3 **Renee Lucero, Town Clerk**
4

5 ***PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,***
6 ***however, only Regular Town Council Meetings and some Special Town Council***
7 ***Meetings, with controversial issues, are video recorded. Copies are available upon***
8 ***request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at***
9 ***a fee of \$5.00 for audio and video recordings. Additionally, video recordings can be***
10 ***viewed at www.taos22.com. You may also view agendas, agenda packets, and minutes***
11 ***at <http://public.taosgov.com/>.***
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February 11, 2014

Title:

Resolution 14-10 Mid-Year Budget Adjustments

Summary:

Consideration and possible approval of Resolution 14-10; Mid-year budget adjustment request for various departments.

Background:

Submitted by: Marietta Fambro, Finance Director

Attachments:

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- 📎 [Summary of Mid-year Budget Adjustments](#)
- 📎 [Resolution No. 14-10](#)

MID-YEAR BAR SUMMARY
2013-2014
February 3, 2014

GENERAL FUND SUMMARY:

The Mid-Year Budget Adjustment process allows departments to review their expenditures in the first six months of the fiscal year and plan their budget for the remainder of the fiscal year taking into account any changes in priorities, revenues, etc.

Revenues - Our gross receipts revenues have increased 4.60% in the first six months of the fiscal year over the projections based on the 2012-2013 year-to-date numbers. We are projecting a 1.8% increase of our Gross Receipts Tax through the end of the fiscal year. This 1.8% increase equals \$142,440 between the Municipal and State Shared Gross Receipts Taxes. We also have an increase of \$37,900 in Building Permits. There are revenue decreases of \$113,918 in Library Card Fees, and \$27,861 in Convention Center services. The remainder of general fund revenues are being received as projected.

Expenditures - After reviewing each Department's mid-year budget adjustments we have an overall savings of \$35,157, which will be reverted to the fund balance. In total there was a decrease of \$122,676 in personnel services due to vacancy savings, \$87,519 of which is being transferred to operations within six departments for a variety of requests. There is one transfer out of \$10,000 to establish a new Confidential Fund for the Police Department.

FIRE PROTECTION FUND SUMMARY:

There is a decrease of \$9,538 in revenues and expenditures due to lower than estimated revenues from the State Fire Allotment.

LODGER'S TAX SUMMARY:

Lodger's Tax revenues have seen an increase of 22% in the first five months of the fiscal year over the projections based on the 2012-2013 year-to-date numbers. We are projecting a 17% increase of our Lodger's Tax through the end of the fiscal year. This 17% increase combined with a decrease to the Convention Center of \$26,144 equals \$145,000 which will be distributed to

Visitors Center - \$43,500; Marketing Program - \$98,644; and Transportation - \$29,000.

Visitors Center - The Visitors Center is transferring personnel savings to operations and increasing capital expenditures by \$38,445 to cover a portion of the cost to replace the roof at the Visitors Center. They are increasing commissions from Arts in Visitor sales by \$16,000, which is double what was estimated.

Transportation Department - The Transportation Department is decreasing \$43,825 in personnel costs, \$17,829 of which is being transferred to operations. A portion of the additional revenue from Lodger's Tax in the amount of \$18,685 will be used to fund a new bus shelter in front of Smiths.

COMMUNITY GRANTS SUMMARY:

Police received a grant from the New Mexico Department of Public Safety increasing revenues and expenditures by \$7,475; Fire is increasing the Fire RMP fund by \$2,920 received from a reimbursement for coverage provided to a film company, and Library is increasing the State Library Grant budget by \$480 based on the final award amount.

HISTORIC DISTRICT SUMMARY:

The adjustment to the Historic District Fund decreases revenues and expenditures based on the revised revenue projections totaling \$140,500. The expenditures are being decreased by \$159,500 to bring this budget within the projected revenues. The original budget was estimated to be \$300,000 for the entire year. The meter replacement was completed November 11th.

COMMUNICATIONS FUND SUMMARY:

The adjustment to Communications decreases personnel costs from vacancy savings and transfers \$23,362 to operations and \$22,000 to capital outlay to upgrade their Sleuth software. We are also decreasing revenues in the amount of \$103,888 for commitments not met by Taos County and the Village of Questa. We are transferring \$111,407 into operations from the balance of the relocation costs, which were originally budgeted at \$133,271 from the Communications Fund.

CAPITAL PROJECTS:

Throughout all Capital Funds we are transferring from capital outlay to operating expense, increasing one budget and adding one new project; 1) Town Hall Improvements Police Department - transferring \$32,000 to replace Unit 191 for Parks and moving remainder of \$3,583 to operating; 2) Federal Transportation Grant - increase Town Match by \$5,478 in order to expend the remaining grant funds.

ENTERPRISE FUNDS:

Water & Sewer Income Fund – We are creating three new funds to identify reserve accounts for our debt service and replacement cost under our ARRA Loan Agreement and our Asset Management Plan for water and sewer infrastructure.

Water Enterprise Fund – Transferring the personnel cost savings of \$39,307 back to the Water & Sewer Income Fund.

Wastewater Enterprise Fund – Wastewater Collections is transferring \$2,982 to operations and reverting the balance of \$5,496 from personnel cost savings. Wastewater Treatment Plant is requesting an additional \$58,730 from the unreserved fund balance in the Water & Sewer Income fund to cover the sludge hauling costs through March 2014 when the permit to accept sludge at the Taos Regional Landfill should be finalized.

Solid Waste Fund - We are requesting \$75,345 from the unreserved fund balance to fund the estimated costs through the end of the fiscal year for Solid Waste services.

Taos Regional Landfill Fund – We are requesting \$3,583 from the unreserved fund balance to cover estimated personnel cost through the end of the fiscal year.

Utility Improvements Fund – We are requesting \$162,000 from the unreserved fund balance to cover estimated costs for engineering and construction for La Posta Sewer Line project.



**TOWN OF TAOS, NEW MEXICO
RESOLUTION 14-10**

WHEREAS the Town of Taos has adopted its operating budget for the fiscal year ending June 30, 2014, and

WHEREAS the governing body of the Town of Taos, meeting in Regular Session this 11th day of February, 2014 wishes to amend its operating budget inclusive of all previous adjustments for the fiscal year ending June 30, 2014.

NOW, THEREFORE be it resolved that the governing body of the Town of Taos, meeting in Regular Session this 11th day of February, 2014, adopts this budget adjustment and respectfully requests approval from the Local Government Division of the Department of Finance and Administration to effect this budget adjustment.

General Fund (11)

	Amount
<u>Revenues & Other Sources:</u>	
Municipal Gross Receipts Tax	\$ 78,422
Interfund Transfer in from State Shared Gross Receipts Tax (Fund 12)	64,018
Library Card Fees	(113,918)
Buildings Permits	37,900
Convention Center Revenues	(27,861)
Unreserved Fund Balance (from savings between all departments in General Fund)	35,157
Unreserved Fund Balance (to cover transfer below)	(10,000)
Total	\$ 63,718
<u>Expenditures and other Financing Uses:</u>	
Interfund transfer out to new fund - Confidential Informant Fund	\$ 10,000
Total	\$ 10,000

Expenditures and other Financing Uses:**Executive Department (11-11)**

Personnel Services	\$ 8,916
Operating Expenses	<u>(1,832)</u>
Sub-total	\$ 7,084

Judicial Department (11-12)

Personnel Services	\$ (1,245)
Operating Expenses	<u>136</u>
Sub-total	\$ (1,109)

Finance Department (11-13)

Personnel Services	\$ 564
Operating Expenses	<u>22,639</u>
Sub-total	\$ 23,203

Police Department (11-14)

Personnel Services	\$ (63,668)
Operating Expenses	<u>5,401</u>
Sub-total	\$ (58,267)

Fire Department (11-15)

Personnel Services	\$ (7,794)
Operating Expenses	<u>7,794</u>
Sub-total	\$ -

Street Department (11-16)

Personnel Services	\$ (13,696)
Operating Expenses	<u>18,041</u>
Sub-total	\$ 4,345

Recreation Department (11-17)

Personnel Services	\$ (12,214)
Operating Expenses	<u>5,787</u>
Sub-total	\$ (6,427)

Fleet Department (11-19)

Personnel Services	\$ (20,176)
Operating Expenses	<u>-</u>
Sub-total	\$ (20,176)

Planning, Zoning & Building Department (11-20)

Personnel Services	\$ 29,861
Operating Expenses	<u>(1,754)</u>
Sub-total	\$ 28,107

Library Department (11-21)

Personnel Services	\$ (5,657)
Operating Expenses	<u>4,173</u>
Sub-total	\$ (1,484)

Human Resources Department (11-22)

Personnel Services	\$ 8,254
Operating Expenses	<u>(95)</u>
Sub-total	\$ 8,159

Facilities Department (11-23)

Personnel Services	\$ 5,994
Operating Expenses	<u>(23,067)</u>
Sub-total	\$ (17,073)

Town Council (11-24)

Personnel Services	\$ (7,512)
Operating Expenses	<u>-</u>
Sub-total	\$ (7,512)

Airport Department (11-25)

Personnel Services	\$ (262)
Operating Expenses	<u>1,062</u>
Sub-total	\$ 800

Elections (11-26)

Personnel Services	\$ 2,944
Operating Expenses	<u>(1,190)</u>
Sub-total	\$ 1,754

Pool Department (11-28)

Personnel Services	\$ (5,286)
Operating Expenses	<u>3,250</u>
Sub-total	\$ (2,036)

Legal Department (11-29)

Personnel Services	\$ (39,819)
Operating Expenses	<u>45,294</u>
Sub-total	\$ 5,475

Information Technology Department (11-30)

Personnel Services	\$ (1,880)
Operating Expenses	<u>1,880</u>
Sub-total	\$ -

**TOTAL DECREASE OF EXPENDITURES
FROM ALL DEPARTMENTS**

\$ (35,157)

(To adjust the General Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

General State Shared Gross Receipts Tax Fund (12)

Revenues & Other Sources:

State Shared Gross Receipts Tax 1.225	\$ 64,018
---------------------------------------	-----------

Expenditures and other Financing Uses:

Interfund Transfer out to General Fund	\$ 64,018
--	-----------

(To adjust the State Shared Gross Receipts Tax Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Fire Protection Fund (21)

Revenues & Other Sources:

State Fire Allotment	\$ (9,538)
----------------------	------------

Expenditures and other Financing Uses:

Operating Expenses	(9,538)
--------------------	---------

(To adjust the Fire Protection Fund, these Mid-Year adjustments reflect the decrease revenues from the State Fire Allotment based on the change of the distribution formula which was done prior to our revenue estimate.)

Lodger's Tax Fund (23)

Revenues & Other Sources:

Lodger's Tax Receipts	\$ 145,000
-----------------------	------------

Expenditures and other Financing Uses:

Interfund transfer out to Fund 24 - Marketing	\$ 98,644
Interfund transfer out to Fund 24 - Visitors Center	43,500
Interfund transfer out to Fund 29 - Transportation	29,000
Interfund transfer out to Fund 27 - Convention Center	(26,144)
Total	\$ 145,000

(To adjust the Lodger's Tax Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Lodger's Tax Promotional Fund (24)

Revenues & Other Sources:

Interfund transfer in from Fund 23 - Visitors Center	\$ 43,500
Interfund transfer in from Fund 23 - Marketing	58,000
Inferfund transfer in from Fund 23 - Marketing (additional convention revenue)	40,644
AIVC Vendor Sales	94,199
Commissions - AIVC	16,000
Unreserved Fund Balance (cover May and June AVIC payouts) .	<u>(14,881)</u>
Total	\$ 237,462

Visitors Center (24-00)
Expenditures and other Financing Uses:

Personnel Services	\$ (8,748)
Operating Expenses	109,121
Capital Outlay	<u>38,445</u>
Sub-Total	\$ 138,818

Marketing (24-17)

Operating Expenses - Marketing	Sub-Total \$ 98,644
--------------------------------	----------------------------

Total Expenditures Increase	Total \$ 237,462
------------------------------------	-------------------------

(To adjust the Lodger's Tax Promotional Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Transportation Fund (29)

Revenues & Other Sources:

Interfund transfer in from Fund 23 - Transportation	\$ 29,000
New Mexico Department of Transportation Section 5311 Grant	(26,311)
Taos Ski Valley MOA	<u>(10,000)</u>
Total	\$ (7,311)

Expenditures and other Financing Uses:

Personnel Services	\$ (43,825)
Operating Expenses	17,829
Capital Outlay	<u>18,685</u>
Total	\$ (7,311)

(To adjust the Transportation Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Community Grants Fund (30)

Fire RMP (30-39)

Revenues & Other Sources:

Firefighter and Apparatus coverage reimbursement	\$ 2,920
--	----------

Expenditures and other Financing Uses:

Operating Expenses	\$ 2,920
--------------------	----------

FFY JAG Wrongful Conviction Phase II Program (30-new)

Revenues & Other Sources:

New Mexico Department of Public Safety Grant	\$ 7,475
--	----------

Expenditures and other Financing Uses:

Operating Expenses	\$ 7,475
--------------------	----------

State Library Grant - In aid (30-15)

Revenues & Other Sources:

New Mexico State Library Grant	\$ 480
--------------------------------	--------

Expenditures and other Financing Uses:

Operating Expenses	\$ 480
--------------------	--------

(To adjust the Community Grants Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Historic District Fund (33)

Revenues & Other Sources:

Parking Meter Fees	\$ 159,500
--------------------	------------

Expenditures and other Financing Uses:

Personnel Services	\$ (31,542)
Operating Expenses	(43,782)
Capital Outlay	(84,176)

Total \$ (159,500)

(To adjust the Historic District Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Communications Fund (34)

Revenues & Other Sources:

Taos County JPA	\$ (89,947)
Taos Pueblo	(4,941)
Village of Questa	(9,000)
Interfund Transfer in from Fund 51 (balance of original transfer from communications fund not expensed for relocation costs, expensed 10% of the move)	<u>111,407</u>
Total	\$ 7,519

Expenditures and other Financing Uses:

Personnel Services	\$ (41,490)
Operating Expenses	23,362
Capital Outlay	<u>22,000</u>
Total	\$ 3,872

(To adjust the Communication Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Confidential Fund (36) – New Fund

Revenues & Other Sources:

Interfund Transfer in from Fund General Fund	\$ 10,000
--	-----------

Expenditures and other Financing Uses:

Operating Expenses	\$ 10,000
--------------------	-----------

(To create a new Confidential Fund, these Mid-Year adjustments reflect the budgeted operating expenses, revenues and transfers needed by departments through the end of fiscal year.)

Facilities Improvements Fund (50)

Town Hall Improvements - Police Department

Expenditures and other Financing Uses:

Capital Outlay	\$ (35,583)
Operating Expense - Buildings Supplies & Maintenance	<u>3,583</u>
	\$ (32,000)

Replacement of Unit#191 - Parks

Expenditures and other Financing Uses:

Capital Outlay	\$ 32,000
----------------	-----------

(To adjust the Facilities Improvements Fund, these Mid-Year adjustments reflect the budgeted operating expenses for the budgeted Facilities Improvement Project expenses by departments through the end of fiscal year.)

Capital Projects Fund (51)

Revenues & Other Sources:

Unreserved Fund Balance	\$ (5,478)
-------------------------	------------

Federal Transportation Grant (51-44)

Expenditures and other Financing Uses:

Capital Outlay - Town Match	\$ 5,478
-----------------------------	----------

Expenditures and other Financing Uses:

Interfund Transfer Out to Communications Fund (34)	\$ 111,407
Capital Outlay- Communications Relocation (51-08)	(111,407)

(To adjust the Capital Projects Fund, these Mid-Year adjustments reflect the budgeted operating expenses and revenues for the budgeted Capital Project expenses by departments through the end of fiscal year.)

Water & Sewer Income Fund (61)

Revenues & Other Sources:

Unreserved Fund Balance	\$ (23,234)
Interfund Transfer in from Fund 62	39,307
Total	\$ 16,073

Expenditures and other Financing Uses:

Interfund transfer out to Fund 63 Wastewater	\$ 23,234
--	-----------

Revenues & Other Sources:

Unreserved Fund Balance - Fund 61	\$ (778,919)
Unreserved Fund Balance - Fund 162 (Debt Service Reserve ARRA CWSRF 15)	\$ 10,000
Unreserved Fund Balance - Fund 163 (Replacement Reserve ARRA CWSRF 15)	47,419
Unreserved Fund Balance - Fund 164 (Asset Management Fund - Water/Sewer)	721,500
	\$ 778,919

(To adjust the Water & Sewer Income Fund, these Mid-Year adjustments reflect the budgeted operating expenses and transfers needed by departments through the end of fiscal year.)

Water Enterprise Fund (62)

Revenues & Other Sources:

Unreserved Fund Balance	\$ (39,307)
-------------------------	-------------

Expenditures and other Financing Uses:

Interfund transfer out to Fund 61 Water & Sewer Income Fund	\$ 39,307
---	-----------

Utility Billing

Expenditures and other Financing Uses:

Personnel Services	\$ (1,207)
Operating Expenses	<u>1,207</u>

Total \$ -

Water Department

Expenditures and other Financing Uses:

Personnel Services	\$ (39,307)
Operating Expenses	<u>-</u>

Total \$ (39,307)

(To adjust the Water Enterprise Fund, these Mid-Year adjustments reflect the budgeted operating expenses and transfers needed by departments through the end of fiscal year.)

Wastewater Enterprise Fund (63)

Revenues & Other Sources:

Unreserved Fund Balance - Fund 63	\$ 30,000
Interfund Transfer in from Fund 61	<u>23,234</u>
	\$ 53,234

Wastewater Collection

Expenditures and other Financing Uses:

Personnel Services	\$ (8,478)
Operating Expenses	<u>2,982</u>

Total \$ (5,496)

Wastewater Treatment Plant

Expenditures and other Financing Uses:

Operating Expenses	\$ 58,730
--------------------	-----------

Total \$ 58,730

(To adjust the Wastewater Fund, this Mid-Year adjustment reflects the budgeted operating expenses and transfers needed by departments through the end of fiscal year.)

Solid Waste Fund (65)

Revenues & Other Sources:

Unreserved Fund Balance \$ (73,097)

Recycling Division

Expenditures and other Financing Uses:

Personnel Services \$ (3,810)

Operating Expenses 1,562

Total \$ (2,248)

Solid Waste Billing

Expenditures and other Financing Uses:

Operating Expenses \$ 75,345

Total \$ 75,345

(To adjust the Solid Waste Fund, this Mid-Year adjustment reflects the budgeted operating expenses and transfers needed by the department through the end of fiscal year.)

Utility Construction Fund (81)

La Posta Sewer Line (New Project)

Revenues & Other Sources:

Unreserved Fund Balance \$ (162,000)

Expenditures and other Financing Uses:

Capital Outlay \$ 162,000

(To adjust the Utility Construction Fund, this Mid-Year adjustment reflects the budgeted operating expenses and transfers needed by the department through the end of fiscal year.)

Taos Regional Landfill (82)

Revenues & Other Sources:

Unreserved Fund Balance \$ (3,583)

Expenditures and other Financing Uses:

Personnel Services \$ 3,583

Operating Expenses -

Total \$ 3,583

(To adjust the Taos Regional Landfill Fund, this Mid-Year adjustment reflects the budgeted operating expenses and transfers needed by the department through the end of fiscal year.)

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF FEBRUARY, 2014.

Mayor Pro-Tem Andrew T. Gonzales
Councilmember Rudy C. Abeyta
Councilmember Frederick A. Peralta
Councilmember Michael A. Silva

TOWN OF TAOS

ADMINISTRATIVE APPROVAL:

Darren M. Cordova, Mayor

Oscar Rodriguez, Town Manager

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk



C. Brian James, Town Attorney

APPROVED:

Department of Finance and Administration

Date: _____



February 11, 2014

Title:

Resolution 14-13 Waiver of Immediate Family Member

Summary:

Consideration and possible approval of resolution 14-13; Waiving the provisions of NMSA 1978, Section 13-1-190, regarding the hiring of an immediate family member of a Town employee. The Town proposes to contract Chris Padilla, related to Renee Lucero, dba Northern Fire Suppression, for the purpose of annual maintenance and testing of all of the Town owned fire extinguishers.

Background:

Attachments:

Click to download

📎 [Resolution 14-13](#)



RESOLUTION 14-13

A RESOLUTION OF THE TOWN OF TAOS, WAIVER OF EMPLOYEE OR IMMEDIATE FAMILY MEMBER CONTRACTING WITH THE TOWN OF TAOS

WHEREAS, NMSA 1978, Section 13-1-190, makes it unlawful for a public employee to participate directly or indirectly in a procurement when the employee knows that the employee or any member of his/her immediate family has a financial interest in seeking or obtaining a contract; and

WHEREAS, NMSA 1978, Section 13-1-193, makes it unlawful for a public employee who participates directly or indirectly in the procurement process to become or to be the employee of any person or business contracting with the government body by whom he/she is employed; and

WHEREAS, pursuant to NMSA 1978, Section 13-1-194, the Town may waive restrictions set forth in the above Sections by publicly disclosing the contemporaneous employment and/or financial interest of an employee or their immediate family member when the procurement can be conducted and the contract can be performed without actual or apparent bias or favoritism, and participation by the employee or immediate family member is in the best interest of the Town; and

WHEREAS, the Town is proposing to contract with Chris Padilla dba Northern Fire Suppression, related by to Renee Lucero, Clerk of the Town of Taos.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Taos:

The Town hereby waives Section 13-1-190 and 13-1-193 as they may relate to Chris Padilla dba Northern Fire Suppression and to Renee Lucero, a Town employee by allowing Chris Padilla to contract with the Town of Taos as long as the Town complies with the Procurement Code in all applicable areas and the Town gives no apparent or actual bias or favoritism.

BE IT FURTHER RESOLVED that the Town Council through adoption of this Resolution is publicly disclosing the contemporaneous employment and/or financial interest and relationship of an employee or his immediate family member in contracting with the Town of Taos;

It is in the best interest of the Town of Taos to contract with Chris Padilla dba Northern Fire Suppression to perform Fire Extinguisher Service and Maintenance for the Town of Taos.

PASSED, RESOLVED and APPROVED this 11th day of February, 2014 at the Regular Meeting of the Town of Taos Council by the following vote:

Mayor Pro Tem Andrew T. Gonzales
Councilmember Rudy C. Abeyta
Councilmember Michael A. Silva
Councilmember Frederick A. Peralta

TOWN OF TAOS

Darren M Cordova, Mayor

ATTESTED:

Renee Lucero, Town Clerk

APPROVED AS TO FORM:



C. Brian James, Town Attorney



February 11, 2014

Title:

Request for Waiver for Liquor License Application

Summary:

Consideration and possible conditional approval to grant a waiver to Gayle Glanz, owner of Bearclaw Bakery and Café, for a beer and wine license application due to the proposed establishment being located within 300 feet from two churches and one school. Conditional approval will be subject to the approved application and public hearing process required by New Mexico Alcohol and Gaming Division.

Background:

Ms. Glanz is requesting the waiver prior to submitting her application to Alcohol and Gaming Division because application fees are non-refundable and she does not want to go through the application process unless she knows the Town approves the waiver. She has submitted letters (attached) from the two churches and one school indicating they have no objection to the beer and wine license.

Attachments:

Click to download

- ☐ [Request from applicant](#)
- ☐ [Letters of No Objection](#)

Renee Lucero

From: gt glanz <gtglanzart@gmail.com>
Sent: Monday, February 03, 2014 12:48 PM
To: Renee Lucero
Subject: in regards to permission for b &w license

Follow Up Flag: Follow up
Due By: Tuesday, February 04, 2014 10:00 AM
Flag Status: Flagged

Dear Rene,

My name is Gayle Glanz. I have lived in Taos since 1980 and have worked behind the scenes in of our Taos restaurants since arriving. The Apple Tree (Polly Rae, owner) The Garden Restaurant (John and Roberta Palanchar/ then Dan Albright owners) Doc Martins Restaurant (Scott Sanger, Bruce Ross, Feeney Lipscomb and associates/ later Doug Smith and Carolyn Haddock, owners) Dolomite Pizza (Karen Lubliner, owner), Dragonfly Cafe Taos (Karen Todd, owner).

I am writing this in regards to obtaining approval to purchase a beer and wine license for a new bakery and cafe I am opening @ 228 Paseo del Pueblo Norte. The New Business will be called Bearclaw Bakery and Cafe and will provide bakery items and desserts, breakfast, lunch and dinner service. We are currently in the planning and permit/ stage soon to begin the construction of our kitchen. It is a small project and hopefully will not take longer than mid-April.

I have met with the 1 Synagogue and 2 Churches in our close neighborhood and talked with each about the new bakery and cafe , which they each had no objection to our offering for sale, beer and wine on our menu.

Rabbi @ Chabad of Taos 221 Paseo del Pueblo Norte,
 Pastor Nathan @ The First Baptist Church, 220 Paseo del P.N
 Pastor Wayne @ First Presbyterian, 215 Paseo del Pueblo N

I have not yet written a no objection paper for each of them to sign, but each has agreed to sign it when I bring it to them.

I hope you will consider this request in hopes that we will be able to open our small business and be a new benefit to the Taos community.

Thank You,

Sincerely,

Gayle Glanz
gtglanzart@gmail.com
 575.218.1236

Dear Taos Town Council,

February 4, 2014

I have met with the owner of the new BEARCLAW BAKERY and CAFE, Gayle Glanz which will be opening soon @ 228 Paseo del Pueblo Norte (across from the Fecchin Museum). We discussed the possibility of an upcoming beer and wine license at their cafe. I have no objection to this cafe in our neighborhood offering the option of beer and wine to their customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathaniel Britton". The signature is fluid and cursive, with the first name "Nathaniel" and last name "Britton" clearly distinguishable.

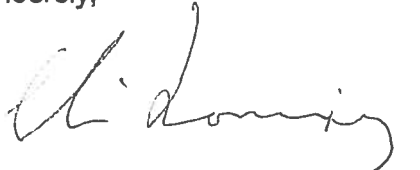
**TAOS FIRST BAPTIST CHURCH
220 PASEO DEL PUEBLO NORTE
TAOS, NM 87571
575-758-3354**

Dear Taos Town Council,

February 4, 2014

I have met with the owner of the new BEARCLAW BAKERY and CAFE, Gayle Glanz which will be opening soon @ 228 Paseo del Pueblo Norte (across from the Fecchin Museum). We discussed the possibility of an upcoming beer and wine license at their cafe. I have no objection to this cafe in our neighborhood offering the option of beer and wine to their customers.

Sincerely,


CHABAD OF TAOS

@ 221 paseo del Pueblo Norte

Dear Taos Town Council,

February 4, 2014

I have met with the owner of the new BEARCLAW BAKERY and CAFE, Gayle Glanz which will be opening soon @ 228 Paseo del Pueblo Norte (across from the Fecchin Museum). We discussed the possibility of an upcoming beer and wine license at their cafe. I have no objection to this cafe in our neighborhood offering the option of beer and wine to their customers.

Sincerely,

Wayne Mell

Rev. Wayne Mell

Pastor, First Presbyterian Church

@ 215 Paseo del Pueblo Norte



February 11, 2014

Title:

Amendment No. 2 to Contract TT-14-28, Griffin and Associates

Summary:

Consideration and possible approval of Amendment No. 2 to Contract TT-14-28 with Griffin and Associates increasing the contract by \$98,600 inclusive of gross receipts tax for additional spring and early summer media buys.

Background:

The source of the increase is additional revenue from the lodgers tax and savings from convention center utility costs. The \$98,600 is based on: \$58,000 marketing allocation percentage increase; \$14,500 convention center allocation percentage increase and \$26,100 convention center utilities savings for half the year for Rio Grande and Bataan halls. The spring and summer media buys include: Pandora, Ad Taxi, regional targeted print ads, regional TV buys, Facebook ads, TV and radio production and photo shoots for additional dining and shopping shots.

Attachments:

Click to download

📎 [Griffin and Associates Amendment No. 2](#)



Contract No. TT-14-170
Facilities Services Department

Amendment No. 2 to Contract TT-14-28

This Amendment is hereby made and entered into by and between the Town of Taos, a New Mexico Municipality (hereinafter "TOWN") and **Griffin and Associates** (hereinafter "CONTRACTOR") on this 11th day of February 2014.

WHEREAS, the parties have found it necessary to amend this contract; and

WHEREAS, both the TOWN and the CONTRACTOR agrees to the amended terms and conditions;

THEREFORE, IT IS HEREBY MUTUALLY AGREED by and between the parties that this contract shall be amended to include the following terms and conditions:

1. Compensation for this contract will increase by \$98,600.00 inclusive of GRT. Total amount of this contract is \$536,600.00 inclusive of GRT.

Original Contract TT-14-28	\$398,000.00
Amendment #1	\$ 40,000.00
Amendment #2	<u>\$ 98,600.00</u>
TOTAL	\$536,600.00

2. Scope of Work will include the following : Spring/Early summer media buy on
 Pandora
 Ad Taxi
 Regional targeted print ads
 Regional TV buy
 Facebook ads
 TV and radio production
 Photo shoot for additional dining and shopping shots
3. All other terms and conditions previously agreed to in the original contract are hereby confirmed and ratified and continued in full force and effect.

IN WITNESS HEREOF, the parties have executed this Agreement as of the date first written above.

CONTRACTOR

TOWN OF TAOS

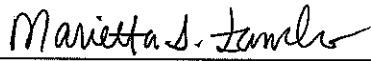
Contractor

Darren M. Cordova, Mayor

Attested to by:

Renee Lucero, Town Clerk

Accounting Approval:



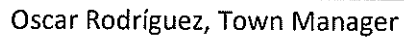
Marietta Fambro, Finance Director
Line Item #24-17-44005

Legal Form Approved by:



C. Brian James, Town Attorney

ADMINISTRATIVE APPROVAL:


Oscar Rodríguez, Town Manager

Valorie Mondragon

From: J Griffin <jgriffin@griffinassoc.com>
Sent: Friday, January 31, 2014 11:41 AM
To: Valorie Mondragon
Subject: contract amendment

The \$98,600 will be used as follows:

Spring/Early summer media buy on:

Pandora

Ad Taxi

Regional targeted print ads

Regional TV buy

Facebook ads

TV and radio production

Photo shoot for additional dining and shopping shots

Is this adequate or do you need more specific line items?

--

Joanie Griffin
Griffin & Associates
119 Dartmouth St. SE
Albuquerque, NM 87106
(505) 764-4444 ext. 222
c) 505-261-4444
fax (505) 764-8636
www.griffinassoc.com

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www.taan.org

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February 11, 2014

Title:

Application for Using the Local Economic Development Act

Summary:

Discussion and possible direction from staff to prepare an economic development program application process in compliance with the New Mexico Local Economic Development Act (5-10-1 to 5-10-13 NMSA 1978).

Background:

LEDA is generally available per the statute, but the Town would benefit from adopting some application criteria to judge future, or competing, applications. There is a finite amount of resources available under LEDA so the Town should avoid any arbitrary and capricious process in selecting LEDA eligibility.

Attachments:

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▢ [Act](#)



1 of 1 DOCUMENT

Michie's Annotated Statutes Of New Mexico
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*** This section is current through the First Session of the Fifty-First Legislature ***

CHAPTER 5. MUNICIPALITIES AND COUNTIES
ARTICLE 10. LOCAL ECONOMIC DEVELOPMENT

Go to the New Mexico Code Archive Directory

N.M. Stat. Ann. § 5-10-3 (2013)

§ 5-10-3. Definitions

As used in the Local Economic Development Act [5-10-1 NMSA 1978]:

A. "arts and cultural district" means a developed district of public and private uses that is created pursuant to the Arts and Cultural District Act [15-5A-1 NMSA 1978];

B. "cultural facility" means a facility that is owned by the state, a county, a municipality or a qualifying entity that serves the public through preserving, educating and promoting the arts and culture of a particular locale, including theaters, museums, libraries, galleries, cultural compounds, educational organizations, performing arts venues and organizations, fine arts organizations, studios and media laboratories and live-work housing facilities;

C. "department" means the economic development department;

D. "economic development project" or "project" means the provision of direct or indirect assistance to a qualifying entity by a local or regional government and includes the purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure; public works improvements essential to the location or expansion of a qualifying entity; payments for professional services contracts necessary for local or regional governments to implement a plan or project; the provision of direct loans or grants for land, buildings or infrastructure; technical assistance to cultural facilities; loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from the municipal infrastructure gross receipts tax or the county infrastructure gross receipts tax; grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity; grants or subsidies to cultural facilities; purchase of land for a publicly held industrial park or a publicly owned cultural facility; and the construction of a building for use by a qualifying entity;

E. "governing body" means the city council, city commission or board of trustees of a municipality or the board of county commissioners of a county;

F. "local government" means a municipality or county;

G. "municipality" means an incorporated city, town or village;

H. "person" means an individual, corporation, association, partnership or other legal entity;

I. "qualifying entity" means a corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:

N.M. Stat. Ann. § 5-10-3

- (1) an industry for the manufacturing, processing or assembling of agricultural or manufactured products;
- (2) a commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but, other than as provided in Paragraph (5), (6) or (9) of this subsection, not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;
- (3) a business in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in Paragraph (5) or (9) of this subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;
- (4) an Indian nation, tribe or pueblo or a federally chartered tribal corporation;
- (5) a telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;
- (6) a facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;
- (7) a business that is the developer of a metropolitan redevelopment project;
- (8) a cultural facility; and
- (9) a retail business;

J. "regional government" means any combination of municipalities and counties that enter into a joint powers agreement to provide for economic development projects pursuant to a plan adopted by all parties to the joint powers agreement; and

K. "retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in a municipality with a population of ten thousand or less.

HISTORY: Laws 1993, ch. 297, § 3; 1998, ch. 90, § 3; 1999, ch. 245, § 1; 2000, ch. 103, § 5; 2007, ch. 160, § 9; 2013, ch. 201, § 1.

NOTES: STATUTORY NOTES

THE 2007 AMENDMENT, effective July 1, 2007, added Subsections A and B and redesignated subsections accordingly; throughout Subsection D, substituted "entity" for "business"; in Subsection D, inserted "technical assistance to cultural facilities" near the middle and "grants or subsidies to cultural facilities" and "or a publicly owned cultural facility" near the end; in Subsection E, substituted "city commission or board of trustees of a municipality" for "or city commission of a city, the board of trustees of a town or village"; and added Subsection I(8).

THE 2013 AMENDMENT, effective July 1, 2013, substituted "Paragraph (5), (6) or (9)" for "Paragraph (5) or (6)" in (I)(2); substituted "Paragraph (5) or (9)" for "Paragraph (5)" in (I)(3); added (I)(9) and (K); and made related changes.

APPLICABILITY. --Laws 2007, ch. 160, § 16 makes the provisions of this act applicable to taxable years beginning on or after January 1, 2009.



February 11, 2014

Title:

Continuance of Ordinance 14-04 Regarding Governance and Personnel Code

Summary:

Consideration and possible approval of Ordinance 14-04 amending Ordinance 13-09 regarding certain aspects of the Governance and Personnel Code of the Town of Taos.

Continued from the January 28, 2014 Regular Meeting.

Background:

The attached proposed Ordinance raises the temporary municipal judge from \$100 to \$125 per day. The blank in the contract is for the initial base salary. The Town Attorney's Office takes the position that the existing annual rate of \$39,999 is inadequate. If we adopted the Judicial Compensation Commission proposal the salary would escalate 10% to about \$44K. If we escalated it by the rate of inflation since the last adjustment it would equal \$55K. The ordinance has been revised to omit the "longevity" portion of the existing ordinance and that has been replaced by language that if a majority of the other Town employees get a raise then the same raise would apply to the Judge. The raises would be incremental so, in theory, the pay will escalate without further Council intervention in line with the other Town employees. This ordinance was continued from the last meeting. If the ordinance is to impact the Judge's salary after March 4 the Council will need to adopt this ordinance prior to that date.

Attachments:

Click to download

 [Ordinance 14-04](#)



ORDINANCE 14-04

AN ORDINANCE AMENDING ORDINANCE 13-09 REGARDING CERTAIN ASPECTS OF THE GOVERNANCE AND PERSONNEL CODE OF THE TOWN OF TAOS

This ordinance amends a section of the Town of Taos Personnel Code with respect to Chapter 3.68.

WHEREAS, The Town Council, the Governing Body of the Town of Taos, finds it necessary to amend Chapter 3.68 of the Taos Town Personnel Code.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session this 11th day of February, 2014, and after having held a public hearing on the matter that the following Ordinance is hereby adopted, approved and ratified:

Chapter 3.68

MUNICIPAL JUDGE

3.68.010: CREATED:

There is created the office of municipal judge in, and for, the town of Taos. (Ord. 13-09, 2013)

3.68.020: QUALIFICATIONS:

Any qualified elector, being a resident of the town, shall be eligible to occupy the office of municipal judge of the town. (Ord. 13-09, 2013)

3.68.030: ELECTION:

The municipal judge shall be elected for the term of four (4) years at the regular municipal election and shall serve until his/her successor is duly elected and qualified. (Ord. 13-09, 2013)

3.68.040: VACANCIES:

Vacancies in the office of municipal judge shall be filled by appointment of the mayor with the approval of the town council, at either a regular or special meeting called for that

purpose. The municipal judge, so appointed, shall serve until the next regular municipal election. (Ord. 13-09, 2013)

3.68.050: OATH OF OFFICE:

The municipal judge shall be qualified to act, in such capacity, upon the issuance of a certificate of election, taking an oath of office as prescribed by law, and filing the required bond. (Ord. 13-09, 2013)

3.68.060: COMPENSATION:

The compensation of the judge shall include those benefits, including travel allowances under the per diem and mileage act, and other fringe benefits as are provided all regular employees of the municipality, by ordinance or as may be provided by law, or town policy. Compensation shall be prorated and paid on a biweekly basis. (Ord. 13-09, 2013)

3.68.070: COMPENSATION OF JUDGE ELECTED TO OFFICE AT NEXT MUNICIPAL ELECTION:

The municipal judge who shall be elected to office at the regular municipal election for office to be held on March 4, 2014, and those elected or appointed thereafter, shall be compensated for their services to the municipality as follows:

A. Any new municipal judge shall be compensated at the rate of _____ per month, any existing municipal judge shall be compensated at their existing rate, and thereafter as that rate may be increased from time to time, in the same fixed amount or percentage increase and at the same time, that the majority of the other municipal employees receive an increase in compensation.

B. Any increase granted subsequent to this Ordinance shall be incremental and shall apply to each subsequent municipal judge.

3.68.080: POWERS AND DUTIES:

A. The municipal judge will maintain regular office hours of at least a forty (40) hour workweek, and shall be available for emergency reasons at all reasonable times.

B. The municipal judge shall preside over all municipal court hearings, at every stage of any proceedings, concerning violation of any provision of this code, or ordinance of the town.

C. The municipal judge shall issue warrants for tickets and fines which have not been paid to the town.

D. The municipal judge shall exercise all powers conferred upon a municipal judge by law. (Ord. 13-09, 2013)

3.68.090: TEMPORARY INCAPACITY; ACTING MUNICIPAL JUDGE:

During the temporary incapacity, or absence, of the duly elected or appointed municipal judge, under circumstances not tantamount to, or constituting, a vacancy in office, including, but not limited to, vacations, temporary absences, unavailability or incapacity,

the mayor shall appoint any registered voter, who resides within the town, to serve as acting municipal judge. Such acting judge shall exercise all powers of the municipal judge until the return of the duly elected or appointed municipal judge. (Ord. 13-09, 2013)

3.68.100: COMPENSATION FOR ACTING MUNICIPAL JUDGE:

The duly appointed acting municipal judge shall be paid at a rate of one hundred twenty dollars (\$125.00) per day, provided, however, that if the temporary incapacity or absence of the duly elected or appointed municipal judge extends more than five (5) days beyond absences for incapacities, or other authorized absences by the town for regular employees, then the compensation to be paid to the acting municipal judge shall be deducted from the regular authorized salary of the duly elected or appointed municipal judge. (Ord. 13-09, 2013)

3.68.110: REPORTS AND REMITTANCES:

The municipal judge shall furnish monthly written reports, to the finance director, of all monies collected by the municipal court, not later than the tenth day of each month. The municipal judge shall deposit all monies received, by the municipal court, within twenty four (24) hours after receipt, to the finance director. All reports shall include an itemized statement showing the different amounts collected and the purpose of collection, the name of the person paying and the date of payment. All receipts shall be numbered sequentially in a manner prescribed by the finance director. (Ord. 13-09, 2013)

ORDAINED, ADOPTED, AND APPROVED this 11th of February 2014 by the following vote:

Mayor Pro Tem Andrew T. Gonzales	_____
Councilmember Rudy C. Abeyta	_____
Councilmember Michael A. Silva	_____
Councilmember Frederick A. Peralta	_____

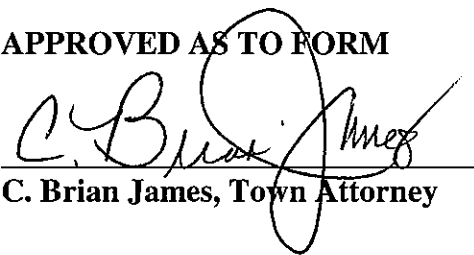
TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

Renee Lucero, Town Clerk

APPROVED AS TO FORM



C. Brian James, Town Attorney



February 11, 2014

Title:

Village of Questa Request to Withdraw from Dispatch JPA


Summary:

Consideration and possible approval to accept Village of Questa's request to withdraw from the JPA for dispatch services in order to pursue an agreement with another entity.

Background:

Attachments:

Click to download

-  [Request](#)
-  [Letter from Mayor](#)

VILLAGE OF QUESTA

PO Box 260

Questa, New Mexico 87556-0260

Phone (575) 586-0694

Fax (575) 586-0699



Esther García, Mayor

Mark L. Gallegos, Councilor

Evelyn Ortega-Coggins, Councilor

Lawrence A. Ortega, Councilor

Brent P. Jaramillo, Councilor

Michael G. Rael, Judge

January 29, 2014

The Honorable Darren Cordova, Mayor

Town of Taos

Taos Municipal Bldg.

400 Camino de la Placita

Taos, NM 87571

Dear Mayor Cordova,

The Village of Questa (Village) is committed to providing quality Emergency Management Communication Services to the Village of Questa Residents and Emergency Responders. We have enjoyed being in partnership with the Town of Taos since 2006, which has allowed us to fulfill this endeavor through the Joint Powers Agreement (JPA) we both entered into. Additionally, it is our hope to continue working with the Town of Taos into the future on projects, which are beneficial to both communities.

In light of the timeframe, February 2014 expiration date of the current JPA and the challenges, which currently present themselves in developing another JPA; the Village humbly requests that the Town release the Village from the 180 day notice requirement in the JPA to pursue an agreement with another entity.

Once again, thank you Mayor Cordova for all that you have done to assist the Village of Questa and its residents. If there is anything we can do to assist you and the Town of Taos, please don't hesitate to ask.

Sincerely,

Esther Garcia

Esther Garcia, Mayor

Darren M. Cordova, Mayor

Council Members:

**Rudy C. Abeyta
Andrew Gonzales
Fred Peralta
Michael A. Silva**

Oscar Rodriguez Town Manager



**Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571**

**(575) 751-2000
Fax (575) 751-2026**

***Visit us on our Website at:
www.taosgov.com***

Office of the Mayor

February 3, 2014

Mayor Esther Garcia
Village of Questa
Questa, NM

Honorable Mayor:

I am writing to acknowledge receipt of your letter requesting Town of Taos consent to the Village of Questa's early departure from our joint-powers agreement.

Your letter of January 29 has been passed on to the Town Council. It will be on the agenda for our regular council meeting on February 11. Staff's recommendation will be to consent to Questa's request with the sole condition that all arrears be brought up to date at the time of departure. I wish you and the Village of Questa and the Village of Red River success in your endeavor to provide E911 service as partners. Your move to Red River will only heighten our desire to enter into a formal memorandum of understanding with Red River to provide mutual backup for our 911 service.

In the meantime, I would strongly recommend you take whatever steps are necessary to ensure your repeater equipment is functioning properly. The staff at the Emergency Communications Center reports that, while they have detected no interruption of communications with either the receiver equipment at the old dispatch location or the repeater at our water tower location on Highway 518, they have received numerous reports of interruptions from your installation at Flagg Mountain. As you may know, the Town and County agreed this summer that the County should assume sole reasonability for maintenance of all the repeaters except the one on Highway 518, with the Town now having purview only over its own repeaters and receivers.

As always, please know that Town of Taos will provide any support it can to the Village of Questa should you need it.

Sincerely,

**Darren Cordova
Mayor – Town of Taos**



February 11, 2014

Title:

Taos County's Proposal for E911 Service

Summary:

Discussion and possible direction to staff regarding Taos County's proposal for consolidated E911 service.

Background:

Attachments:

Click to download

 [Letter from Mayor to County](#)

Darren M. Cordova, Mayor

Councilmembers:

**Rudy C. Abeyta
Andrew t. Gonzales
Frederick a. Peralta
Michael A. Silva**

**Oscar Rodríguez, Town Manager
Abigail R. Adame, Assistant Town Manager**



**Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571
(575) 751-2000
Fax (575) 751-2026**

**Visit us on our Website at:
www.taosgov.com**

From the office of:
Darren M. Cordova
Mayor

February 3, 2014

Gabriel Romero, Chairman
Taos County Commission
105 Albright Street
Taos NM 87571

Dear Mr. Chairman:

I am writing to convey the Town Council's response to your contract for services proposal for E911 services.

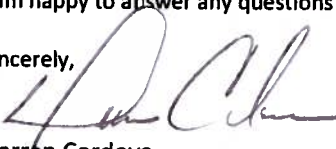
After discussing your proposal at length at its regular meeting on January 28, the Town Council noted that it lacked enough information on the planned new center's costs and operations to allow for an informed decision. The Council also expressed concern that a contract for services such as you propose would take our partnership in the opposite direction from where we have been hoping to end up. Our desire has always been to enter into a joint-powers agreement and move completely away from the current arrangement under which we operate.

The Council respectfully requests that you provide detailed short- and long-term cost information and an operational plan for the transition to County control. Along with a multi-year budget *pro forma*, please also provide your proposal for moving the dispatchers, who are currently Town employees, into the County's personnel structures. The logic behind your cost-sharing proposal should also be disclosed.

While the Council did not take formal action on your proposal and remains open to discussing a new arrangement where the County serves as the operator for the 911 dispatch center, it did express its strong desire to get over our impasse in negotiations using an impartial arbitrator and/or mediator. The Department of Finance and Administration asked if the Town is willing to submit to binding arbitration on this matter. Our response is that we would submit to it if DFA picked the arbitrator and hosted the event. We respectfully request that the Commission consider agreeing to the same. Please let me know your decision by February 11 so the Council can consider taking the appropriate action at its regular meeting. In the meantime, please send over your draft of any agreement you propose along with detailed supporting information so we can begin studying it as soon as possible.

I am happy to answer any questions you may have.

Sincerely,


Darren Cordova
Mayor



February 11, 2014

Title:

Resolution 14-14 Supporting Public Access to the Red Hills Road known as CR-009

Summary:

Consideration and possible approval of Resolution 14-14 to support the need to protect and continue public access to the Red Hills Road known as County Road 009 in Mora County for all citizens.

Background:

Attachments:

Click to download

📎 [Resolution 14-14](#)



RESOLUTION 14-14

A RESOLUTION OF THE TOWN OF TAOS COUNCIL REQUESTING THAT MORA COUNTY ALLOW CONTINUED PUBLIC ACCESS TO THE RED HILLS ROAD KNOWN AS CR-009

WHEREAS, 41,000 acres of existing State Trust Lands should remain accessible; and,

WHEREAS, Mora County Road C-009 should remain open to the citizens of New Mexico and continue to provide access for hunters and other recreational pursuits; and,

WHEREAS, the closing of this road will limit access to White Peak, in Ocate, New Mexico, as well as to the above mentioned public areas; and,

WHEREAS, access to this area has been available for many years; and,

WHEREAS, access to the area provides New Mexico residents the opportunity to view, enjoy and experience the beauty of these public areas; and

WHEREAS, access to these public areas will also enable people to enjoy the hiking and hunting experiences that are available.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Taos that we support the need to protect and continue public access to the Red Hills Road known as County Road 009 in Mora County for all citizens.

PASSED, APPROVED and ADOPTED, this 11th day of February, 2014, at the Regular Meeting of the Town Council by the following vote:

Mayor Pro Tem Andrew Gonzales _____
 Councilmember Rudy C. Abeyta _____
 Councilmember Fred Peralta _____
 Councilmember Michael A Silva _____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

Renee Lucero, Town Clerk

APPROVED AS TO FORM

C. Brian James, Town Attorney



February 11, 2014

Title:

Town Legislative Priorities Amendment

Summary:

Discussion and possible action to amend the Town's legislative priorities to support House Bill 222 and Senate Bill 164 amending the State Water Leasing Statute that is a condition precedent in the Water Settlement Act of 2010. These bills have been introduced in the New Mexico State Legislature by Representative Roberto Gonzales and Senator Carlos Cisneros at Taos Pueblo's request.

Background:

The Bills will amend the State Leasing Statute §72-6-3 NMSA 1978 to extend the maximum allowable term of leasing of adjudicated federal law based water rights secured to the five Pueblos (Taos, Nambe, Pojoaque, San Ildefonso, and Tesuque).

Attachments:

Click to download

- 📎 [House Bill](#)
- 📎 [Senate Bill](#)

HOUSE BILL 222

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO WATER; PROVIDING FOR PUEBLO LEASE OF ADJUDICATED
WATER RIGHTS FOR A TERM AUTHORIZED BY FEDERAL STATUTE APPROVING
A SETTLEMENT AGREEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 72-6-1 NMSA 1978 (being Laws 1967,
Chapter 100, Section 1) is amended to read:

"72-6-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article 6
NMSA 1978 may be cited as the "Water-Use Leasing Act".

SECTION 2. Section 72-6-3 NMSA 1978 (being Laws 1967,
Chapter 100, Section 3, as amended) is amended to read:

"72-6-3. OWNER MAY LEASE USE OF WATER.--

A. An owner may lease to any person all or any part
of the water use due ~~[him]~~ the owner under ~~[his]~~ the owner's
water right, and the owner's water right shall not be affected

.195833.2

underscored material = new
[bracketed material] = delete

1 by the lease of the use. The use to which the owner is
 2 entitled under ~~[his]~~ the owner's right shall, during the
 3 exercise of the lease, be reduced by the amount of water so
 4 leased. Upon termination of the lease, the water use and
 5 location of use subject to the lease shall revert to the
 6 owner's original use and location of use.

7 B. The lease may be effective for immediate use of
 8 water or may be effective for future use of the water covered
 9 by the lease; however, the lease shall not be effective to
 10 cumulate water from year to year or to substantially enlarge
 11 the use of the water in such manner that it would injure other
 12 water users. The lease shall not toll any forfeiture of water
 13 rights for nonuse, and the owner shall not, by reason of the
 14 lease, escape the forfeiture for nonuse prescribed by law;
 15 provided, however, that the state engineer shall notify both
 16 the owner and the lessee of declaration of nonuser as provided
 17 in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any
 18 renewal term of a lease of water use shall not exceed ten
 19 years, except as provided in ~~[Subsection C]~~ Subsections C and D
 20 of this section.

21 C. A water use may be leased for forty years by
 22 municipalities, counties, state universities, special water
 23 users' associations, public utilities supplying water to
 24 municipalities or counties and member-owned community water
 25 systems as lessee and shall be entitled to the protection of

.195833.2

1 the forty-year water use planning period as provided in Section
2 72-1-9 NMSA 1978. A water use deriving from an acequia or
3 community ditch organized pursuant to Chapter 73, Article 2 or
4 3 NMSA 1978, whether owned by a water right owner under the
5 acequia or community ditch or by the acequia or community
6 ditch, may be leased for a term not to exceed ten years.

7 D. A water use due under an adjudicated water right
8 secured to a pueblo pursuant to the settlement agreements
9 approved in Title 5 and Title 6 of the federal Claims
10 Resolution Act of 2010, P.L. No. 111-291, Sections 501-626, or
11 in the partial final judgments and decrees entered pursuant to
12 those settlement agreements, may be leased for a term,
13 including all renewals, not to exceed the term specifically
14 authorized in that act; provided that this subsection shall not
15 apply to any water use due under any state-law based water
16 rights acquired by a pueblo or by the United States on behalf
17 of a pueblo."

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SENATE BILL 164

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO WATER; PROVIDING FOR PUEBLO LEASE OF ADJUDICATED
WATER RIGHTS FOR A TERM AUTHORIZED BY FEDERAL STATUTE APPROVING
A SETTLEMENT AGREEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 72-6-1 NMSA 1978 (being Laws 1967,
Chapter 100, Section 1) is amended to read:

"72-6-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article 6
NMSA 1978 may be cited as the "Water-Use Leasing Act".

SECTION 2. Section 72-6-3 NMSA 1978 (being Laws 1967,
Chapter 100, Section 3, as amended) is amended to read:

"72-6-3. OWNER MAY LEASE USE OF WATER.--

A. An owner may lease to any person all or any part
of the water use due ~~[him]~~ the owner under ~~[his]~~ the owner's
water right, and the owner's water right shall not be affected

.195964.2

underscored material = new
[bracketed material] = delete

1 by the lease of the use. The use to which the owner is
2 entitled under ~~[his]~~ the owner's right shall, during the
3 exercise of the lease, be reduced by the amount of water so
4 leased. Upon termination of the lease, the water use and
5 location of use subject to the lease shall revert to the
6 owner's original use and location of use.

7 B. The lease may be effective for immediate use of
8 water or may be effective for future use of the water covered
9 by the lease; however, the lease shall not be effective to
10 cumulate water from year to year or to substantially enlarge
11 the use of the water in such manner that it would injure other
12 water users. The lease shall not toll any forfeiture of water
13 rights for nonuse, and the owner shall not, by reason of the
14 lease, escape the forfeiture for nonuse prescribed by law;
15 provided, however, that the state engineer shall notify both
16 the owner and the lessee of declaration of nonuser as provided
17 in Sections 72-5-28 and 72-12-8 NMSA 1978. The initial or any
18 renewal term of a lease of water use shall not exceed ten
19 years, except as provided in ~~[Subsection C]~~ Subsections C and D
20 of this section.

21 C. A water use may be leased for forty years by
22 municipalities, counties, state universities, special water
23 users' associations, public utilities supplying water to
24 municipalities or counties and member-owned community water
25 systems as lessee and shall be entitled to the protection of

.195964.2

1 the forty-year water use planning period as provided in Section
2 72-1-9 NMSA 1978. A water use deriving from an acequia or
3 community ditch organized pursuant to Chapter 73, Article 2 or
4 3 NMSA 1978, whether owned by a water right owner under the
5 acequia or community ditch or by the acequia or community
6 ditch, may be leased for a term not to exceed ten years.

7 D. A water use due under an adjudicated water right
8 secured to a pueblo pursuant to the settlement agreements
9 approved in Title 5 and Title 6 of the federal Claims
10 Resolution Act of 2010, P.L. No. 111-291, Sections 501-626, or
11 in the partial final judgments and decrees entered pursuant to
12 those settlement agreements, may be leased for a term,
13 including all renewals, not to exceed the term specifically
14 authorized in that act; provided that this subsection shall not
15 apply to any water use due under any state-law based water
16 rights acquired by a pueblo or by the United States on behalf
17 of a pueblo."

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February 11, 2014

Title:

Extending Scope and Mission of the Community Hospital Committee

Summary:

Discussion and possible direction to staff to work with Taos County to prepare and bring back for Council action a resolution extending the scope and mission of the Community Hospital Study Committee.

Background:

Attachments:

[Click to download](#)

No Attachments Available